

Serial No.: 10/718,255

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REMARKS/ARGUMENTS

Applicant respectfully requests reconsideration of this Patent Application, particularly in view of the above Amendment and the following remarks.

There is no additional fee for this Amendment because the total number of claims and the total number of independent claims remain unchanged.

Request for Telephone Interview

Applicant urges that the subject U.S. patent application is now in condition for allowance. Should any issue require additional discussion, Applicant urges the Examiner to contact the undersigned.

Amendment to Claims

Applicant has amended Claims 1, 17 and 21 to include the limitations that the first and second cutting blades have leading edges and cut through the food product forming individual pieces per the first full paragraph on Page 13 and the first full paragraph on Page 21. The Examiner has referenced this specific limitation in his Office Action at Paragraph 7.

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Claim Rejections - 35 U.S.C. §102 and 103

The Examiner has rejected Claims 1-21 under 35 U.S.C. §102 and/or 35 U.S.C. §103 as being anticipated and/or rendered obvious by Capodieci, U.S. Patent 6,143,336 (the '336 Patent). Applicant urges reconsideration in view of the claims as amended and the following remarks.

Applicant urges that the '336 Patent does not teach or suggest the claimed invention as the embodiments disclosed in accordance with Figs. 5 and 7 do not teach or suggest sharpened leading edges cutting through the food to form individual pieces. Instead, the '336 Patent teaches partitions or dividing walls *within a single cavity* that form food products into unitary but segmented products as shown by element 125 of Fig. 5 and element 425 of Fig. 7. The '336 Patent forms a web in the food product rather than individual product pieces. The leading edges of these partitions are not sharpened and are recessed relative to the cutting surfaces formed around the perimeter of the cavity.

Applicant urges that the pending claims are allowable in view of the '336 Patent and allowance is respectfully requested.

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Conclusion

Applicant believes that the above Amendment and remarks address each and every issue raised by the Examiner and overcome each and every objection and rejection. However, should the Examiner detect any remaining issue, Applicant kindly requests the Examiner to contact the undersigned, preferably by telephone, in an effort to expedite examination of this Patent Application.

Respectfully submitted,



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